

1 ARMAND J. KORNFELD (WSBA #17214)
2 THOMAS A. BUFORD (WSBA #52969)
3 RICHARD B. KEETON (WSBA #51537)
4 BUSH KORNFELD LLP
5 601 Union Street, Suite 5000
6 Seattle, WA 98101
7 Telephone: (206) 292-2110
8 Facsimile: (206) 292-2104
9 Emails: jkornfeld@bskd.com, tbuford@bskd.com,
10 and rkeeton@bskd.com

11 HON. WHITMAN L. HOLT
12 EX PARTE

13 RICHARD M. PACHULSKI (admitted *pro hac vice*)
14 JEFFREY W. DULBERG (admitted *pro hac vice*)
15 JASON H. ROSELL (admitted *pro hac vice*)
16 PACHULSKI STANG ZIEHL & JONES LLP
17 10100 Santa Monica Blvd., 13th Floor
18 Los Angeles, CA 90067-4003
19 Telephone: (310) 277-6910
20 Facsimile: (310) 201-0760
21 Emails: rpachulski@pszjlaw.com,
22 jdulberg@pszjlaw.com, and jrosell@pszjlaw.com

23 *Attorneys for the Chapter 11*
24 *Debtors and Debtors in Possession*

25 **UNITED STATES BANKRUPTCY COURT**
26 **EASTERN DISTRICT OF WASHINGTON**

27 In re

28 EASTERDAY RANCHES, INC.,
29 *et al.*,

30 Debtors.¹

31 Chapter 11

32 Lead Case No. 21-00141-WLH11
33 Jointly Administered

34 **DEBTORS' EX PARTE MOTION TO**
35 **SHORTEN TIME FOR HEARING ON**
36 **MOTION FOR ENTRY OF AN ORDER (I)**
37 **ESTABLISHING DEADLINES TO FILE**
38 **ADMINISTRATIVE EXPENSE CLAIMS**
39 **AND REJECTION DAMAGES CLAIMS,**
40 **(II) APPROVING FORM, MANNER, AND**
41 **SUFFICIENCY OF NOTICE THEREOF,**
42 **(III) APPROVING PROOF OF**
43 **ADMINISTRATIVE CLAIM FORM, AND**
44 **(IV) GRANTING RELATED RELIEF**

45 _____
46 ¹ The Debtors along with their case numbers are as follows: Easterday Ranches, Inc. (21-
47 00141) and Easterday Farms, a Washington general partnership (21-00176).

48 EX PARTE MOTION FOR ORDER
49 SHORTENING TIME – Page 1

50 PACHULSKI STANG
51 ZIEHL & JONES LLP
52 10100 Santa Monica Blvd., 13th Flr.
53 Los Angeles, CA 90067-4003
54 Telephone (310) 277-6910
55 Facsimile (310) 201-0760

56 BUSH KORNFELD LLP
57 LAW OFFICES
58 601 Union St., Suite 5000
59 Seattle, Washington 98101-2373
60 Telephone (206) 292-2110
61 Facsimile (206) 292-2104

1 The above-captioned debtors and debtors in possession (the “Debtors”) in the
2 above-captioned chapter 11 cases (the “Chapter 11 Cases”), hereby move the court (the
3 “Motion to Shorten Time”) on an *ex parte* basis for an order shortening time for hearing
4 on the Debtors’ *Motion for Entry of an Order (I) Establishing Deadlines to File*
5 *Administrative Expense Claims and Rejection Damages Claims, (II) Approving Form,*
6 *Manner, and Sufficiency of Notice Thereof, (III) Approving Proof of Administrative*
7 *Claim Form, and (IV) Granting Related Relief* (the “Motion”).² This Motion to Shorten
8 Time is based on the record and files herein, including the Motion and the supporting
9 declaration of Peter Richter (the “Richter Declaration”). In further support of this
10 Motion to Shorten Time, the Debtors respectfully represent as follows:

11 **A. Background**

12 On February 1, 2021 (the “Ranches Petition Date”), Debtor Easterday Ranches,
13 Inc. (“Ranches”) filed a voluntary petition for relief under chapter 11 of the Bankruptcy
14 Code before the United States Bankruptcy Court for the Eastern District of Washington,
15 Yakima Division. On February 8, 2021 (together with the Ranches Petition Date, the
16 “Petition Dates”), Debtor Easterday Farms, a Washington general partnership
17 (“Farms”), also filed a voluntary petition for relief under chapter 11 of the Bankruptcy
18 Code before this court. The Debtors continue to operate and manage their business and
19 affairs as debtors in possession pursuant to sections 1107 and 1108 of the Bankruptcy
20 Code. No trustee or examiner has been appointed in the Chapter 11 Cases.

21 On February 12, 2021, the court entered an order [Docket No. 139] which, among
22 other things, established May 28, 2021 as the deadline by which creditors, other than
23 governmental units, must file a proof of claim with respect to both Debtors and August
24 9, 2021 as the deadline by which governmental units must file a proof of claim with
25 respect to both Debtors.

26 ² Capitalized terms used but not defined herein shall have the meanings ascribed to them in
27 the Motion.

1 **B. The Motion for Order Establishing Administrative and Rejection Damages**
2 **Claims Bar Date**

3 By the Motion, the Debtors request that the court establish the date that is thirty
4 (30) days from the entry of the Supplemental Bar Date Order as the deadline to file any
5 claims against the Debtors, pursuant to sections 503(b)(1) through (9) and 507(a)(2) of
6 the Bankruptcy Code, that may have arisen, accrued, or otherwise become due and
7 payable at any time, in whole or in part, from the applicable Petition Dates through and
8 including March 31, 2022.

9 In addition to Administrative Claims that become due and payable following the
10 Administrative Claim Cutoff Date (which will be subject to a separate deadline set by
11 subsequent order of this court), the Debtors propose that creditors holding or wishing
12 to assert those certain types of Administrative Claims against the Debtors as set forth in
13 the Motion need not file Administrative Claims pursuant to the Motion.

14 Further, by the Motion, the Debtors request that the court establish the date that
15 is thirty (30) days from the entry of the Supplemental Bar Date Order as the deadline to
16 file claims arising from the rejection of executory contracts and unexpired leases of the
17 Debtors that have already been rejected by order of the court in these Chapter 11 Cases
18 (including, but not limited to, by stipulation or pursuant to the Rejection Orders). Only
19 Rejection Damages Claims arising from executory contracts and unexpired leases that
20 have already been rejected by the Debtors are subject to the Rejection Damages Bar
21 Date, and those certain types of claims set forth in the Motion are expressly not subject
22 to the Rejection Damage Bar Date.

23 **C. Exigent Circumstances Exist for Shortening Time for Hearing**
24 **on the Motion**

25 The Motion should be heard on shortened time for administrative efficiency and
26 to avoid irreparable harm to Debtors and their estates.

27
28 EX PARTE MOTION FOR ORDER
 SHORTENING TIME – Page 3

PACHULSKI STANG
ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Flr.
Los Angeles, CA 90067-4003
Telephone (310) 277-6910
Facsimile (310) 201-0760

BUSH KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 By the Motion, the Debtors propose to give affected claimants notice of the
2 Rejection Damages Bar Date in excess of the twenty-one day minimum set forth in the
3 Bankruptcy Rules. Although Rules 3003(c)(3) and 2002(a)(7) are not applicable to an
4 administrative claims bar date, bankruptcy courts have the power to set and enforce bar
5 dates for postpetition administrative expense claims. Moreover, the Debtors, likewise,
6 propose to give affected claimants approximately thirty days from the Debtors'
7 proposed deadline to provide notice of the Administrative Claim Bar Date and would
8 nevertheless comply with Bankruptcy Rule 2002(a)(7). Accordingly, the Debtors
9 believe the Supplemental Bar Dates establish reasonable deadlines for creditors.

10 Sufficient cause exists to grant this Motion to Shorten Time, as the relief sought
11 in the Motion will allow the Debtors and other parties-in-interest to more fully
12 determine and evaluate the liabilities of the Debtors' estates and pursue an appropriate
13 exit strategy. The absence of such deadlines, in contrast, prolongs uncertainty, increases
14 the costs and expenses incurred by debtors in connection with the claims reconciliation
15 process, and delays or even derails the claims process.

16 Moreover, the Debtors believe establishing the Supplemental Bar Dates at this
17 time to determine the totality of claims asserted against them is particularly appropriate
18 in these Chapter 11 Cases where (i) the Debtors are actively pursuing a global settlement
19 and the confirmation of a chapter 11 plan, and (ii) where the Debtors are no longer
20 operating and have rejected numerous executory contracts and unexpired leases under
21 the Rejection Orders. Although the Debtors have been paying their ordinary course
22 post-petition liabilities as they come due and are no longer incurring ordinary course
23 administrative expense liabilities as they are no longer operating, better understanding
24 the pool of unsatisfied Administrative Claims and the extent of Rejection Damages
25 Claims asserted against the Debtors will be critical to crafting an appropriate settlement
26 that addresses the concerns of all of the Debtors' stakeholders.

27
28 EX PARTE MOTION FOR ORDER
SHORTENING TIME – Page 4

PACHULSKI STANG
ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Flr.
Los Angeles, CA 90067-4003
Telephone (310) 277-6910
Facsimile (310) 201-0760

BUSH KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

Additionally, understanding the universe of claims against the Debtors will help ensure that the Debtors are better able to successfully confirm and implement a chapter 11 plan incorporating any global settlement. Indeed, because a limited number of claimants are subject to the Rejection Orders or remain unpaid on Administrative Claims for post-petition operating expenses, the relief requested in this Motion will only implicate a limited universe of creditors.

Accordingly, the Debtors submit that entry of the Supplemental Bar Date Order is appropriate at this time and, as such, these exigent circumstances justify the Motion being heard on shortened time.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, the Debtors respectfully request that the court shorten time for hearing on the Motion to April 7, 2022, at 2:30 p.m. Pacific Time, with the responses due, either in writing or orally, before or at the time of the hearing.

DATED March 31, 2022

BUSH KORNFELD LLP

/s/ *Thomas A. Buford, III*

THOMAS A. BUFORD, III (WSBA #52969)
BUSH KORNFELD LLP

RICHARD M. PACHULSKI (admitted *pro hac vice*)
JEFFREY W. DULBERG (admitted *pro hac vice*)
JASON H. ROSELL (admitted *pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP

Attorneys for Debtors and Debtors in Possession

EX PARTE MOTION FOR ORDER
SHORTENING TIME – Page 5

PACHULSKI STANG
ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Flr.
Los Angeles, CA 90067-4003
Telephone (310) 277-6910
Facsimile (310) 201-0760

BUSH KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104